

March 17, 1978

LB 248, 713

CLERK: 34 ayes, no nays on the motion to advance Mr. President.

SPEAKER LUEDTKE: LB 248 is advanced to E & R Initial. We will now then take up LB 713.

CLERK: Read LB 713. There are no committee amendments pending Mr. President.

SPEAKER LUEDTKE: Chair recognizes Senator Murphy.

SENATOR MURPHY: LB 713 deals with the safe streets act that has come to a termination date March 1 as regards to the matter of criminal record keeping. The bill makes several changes in that procedure here in Nebraska. Basically the bill will put the duty of record keeping in the hands of the Highway Patrol. In that regards the various agencies who report instead of having to report daily will have 15 days after disposition is made of a case to report to the Patrol. It will establish specific forms and records to be approved by the Supreme Court as the basis of the reports to be kept in the State of Nebraska. It will provide for periodic audits of not just criminal justice but other enforcement agencies who have powers of arrest and will provide specific audits to see that the records are (1), accurate and complete and (2), that they are timely. It has a one year limitation on cases which are not acted on and at that time those cases will be closed. If a case is not disposed of in one year the case is closed except to the party that it interests or if there is a re-arrest or if the party themselves wish access to it. This is a provision that currently is forbidden particularly in cases of juvenile records that the party it interests and his attorney are not allowed by statute access to certain records of court. Although the courts rather readily admit that they do in most cases provide that access, this will very definitely provide and establish that they have a right to that file if it is concerning them. The current law that says that the Governor may designate an agency which would be replaced with the Highway Patrol. It establishes mostly uniformity and completeness of records and it opens to the public certain matters of arrest that presently are in a state of limbo. Basically, it combines Sections 29-208, 29-210, 43-2064, and 81-1423. 208 has to do with criminal procedures and identification, 210 has to do with records and systems of information, 2064 relates to juvenile court files and 1423 to the various administrative departments having to do with record keeping. It is a long bill and if there are any specific questions on any specific sections I would be glad to discuss them. Otherwise I move the advancement of the bill.

SPEAKER LUEDTKE: Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues this bill has been before Miscellaneous Subjects Committee to my knowledge for the past four years. Senator Gary Anderson brought this about for two years, we had it for the last two years and I think that we have a bill that has been amended out significantly as you can tell by the committee report, no one opposed the bill. The American Civil Liberties Union and the Nebraska Civil Liberties Union was at the hearing and did not actively oppose the bill. We do have as Senator Murphy indicated certain